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INTELLECTUAL PROPERTY LAW  
Patents-Copyrights-Trademarks

Joel D. Skinner, Jr. \*\*†  
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11 August 2005

Mail Stop PCT  
Commissioner for Patents.  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: US PATENT APPLICATION  
Title: HARVESTING APPARATUS  
Application No. (US): 10/530,691  
Filing Date (US): 4/8/2005  
Attorney Docket No.: ARD124USA

Dear Sir:

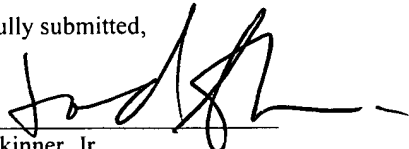
Responsive to the Notification of Missing Requirements Under 35 U.S.C. 371 dated 08/03/2005, enclosed are:

- A copy of the Notification of Missing Requirements.
- An executed Declaration and Power of Attorney.
- A Credit Card Payment Form in the amount of \$130.00 for the surcharge required.
- A return receipt postcard.
- A certificate of express mailing (below).
- A resubmitted copy of the Preliminary Amendment filed 4/8/2005

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card authorization provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

Respectfully submitted,

  
Joel D. Skinner, Jr.  
Reg. No. 33,786

Enclosures

cc: Richard Bailey, Esq. (For Records)

G:\CLIENTS\ARD\Davies (Marks & Clerk)\(ARD)\PATENTS\Harvesting Apparatus\050811 Missing Requirements PTO.doc

08/18/2005 MKAYPAGH 00000155 10530691

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130.00 DP

CERTIFICATE OF MAILING-EXPRESS (IF APPLICABLE)

Express Mail No.: EV 47321404 US  
Date of Deposit: 8/11/05 I hereby certify that this paper/fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, under 37 CFR 1.10, on the date indicated above, and is addressed to the Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450.

Jessica Rasika  
Name  
Jessica Rasika  
Signature



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/530,691	Thomas Robert Corbett	ARD124USA

RECEIVED

AUG 11 2005

PAGE..... OF.....

Skinner and Associates  
 212 Commercial Street  
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INTERNATIONAL APPLICATION NO.

PCT/GB03/04069

I.A. FILING DATE

PRIORITY DATE

09/23/2003

10/11/2002

CONFIRMATION NO. 7163

371 FORMALITIES LETTER



\*OC000000016678480\*

Date Mailed: 08/03/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/08/2005
- Copy of the International Search Report filed on 04/08/2005
- Copy of IPE Report filed on 04/08/2005
- Preliminary Amendments filed on 04/08/2005
- Information Disclosure Statements filed on 07/11/2005
- Request for Immediate Examination filed on 04/08/2005
- U.S. Basic National Fees filed on 04/08/2005
- Priority Documents filed on 04/08/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$1110** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$1240** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$ 1110**
  - **\$750** for **15** total claims over 20.
  - **\$360** for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/530,691	PCT/GB03/04069	ARD124USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Corbett, Thomas Robert

International Application No.:

International Filing Date:

Title: HARVESTING APPARATUS

Attorney Docket No.: ARD124USA

**COPY**

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PRELIMINARY AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Please amend this application as set forth in the following section(s):

CERTIFICATE OF MAILING (IF APPLICABLE)

Date of Deposit: 4/8/05. I hereby certify that this paper/fee is being deposited with the United States Postal Service as First Class Mail-Postage Prepaid, under 37 CFR 1.8, on the date indicated above, and is addressed to the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sarah J. Rykal  
Name

Sarah J. Rykal  
Signature

**BEST AVAILABLE COPY**

## SECTION: CLAIM AMENDMENTS

Pursuant to 37 CFR 1.121, a complete listing of all claims in the application, and their status, is set forth below. The text of each pending claim is also provided. Please amend the pending claims as follows, wherein added matter is underlined and deleted matter is ~~stricken through~~ or ~~[[double bracketed]]~~ in the text of the currently amended claims, relative to the immediate prior version. The claims in this listing are deemed to replace all prior claims in the application.

1. (Original) Harvesting apparatus for use when manually harvesting field-grown produce, the harvesting apparatus having a support structure, a plurality of driven rotatable members by which the support structure can be moved, and a body support element supported by the support structure, the body support element being able to support a picker, as hereinbefore defined, and being movable over an extended range relative to the support structure so that, when the harvesting apparatus is moving in a first direction, the body support element can be selectively positioned relative to the support structure.
2. (Original) Harvesting apparatus as claimed in claim 1, wherein a plurality of the movable body support elements is provided.
3. (Currently Amended) Harvesting apparatus as claimed in ~~any one of the preceding claims~~ claim 1, wherein the extended range of movement is in the order of 1 metre or more.
4. (Currently Amended) Harvesting apparatus as claimed in ~~any one of the preceding claims~~ claim 1

1, wherein the or each body support element includes motorised means for adjusting the position of the body support element relative to the support structure.

5. (Currently Amended) Harvesting apparatus as claimed in ~~any one of claims 1 to 3~~ claim 1, wherein the or each body support element is manually movable.

6. (Currently Amended) Harvesting apparatus as claimed in ~~any one of the preceding claims~~ claim 1, wherein the or each body support element is slidable along a linear runner or pair of linear runners fixedly supported on the support structure.

7. (Currently Amended) Harvesting apparatus as claimed in ~~any one of the preceding claims~~ claim 1, wherein the or each body support element is vertically adjustable relative to the support structure to suit an individual picker.

8. (Currently Amended) Harvesting apparatus as claimed in ~~any one of the preceding claims~~ claim 1, wherein the or each body support element is adjustable in a transverse direction.

9. (Currently Amended) Harvesting apparatus as claimed in ~~any one of the preceding claims~~ claim 1, wherein the or each body support element is adapted to enable the respective picker to lie prone thereon.

10. (Currently Amended) Harvesting apparatus as claimed in ~~any one of the preceding claims~~ claim 1, further comprising a conveyor system and a collection area, the conveyor system transporting

produce placed thereon by the picker to the collection area for packing.

11. (Original) Harvesting apparatus as claimed in claim 10, wherein the conveyor system includes an endless rigid track which is supported by the support structure and from which receiving members are suspended.

12. (Currently Amended) Harvesting apparatus as claimed in claim 10 ~~or claim 11~~, wherein the collection area is supported by the support structure.

13. (Currently Amended) Harvesting apparatus as claimed in ~~any one of the preceding claims~~ claim 1, further comprising means for optimising the speed of the driven rotatable members based on the position of the or each body support element relative to the support structure.

14. (Original) Harvesting apparatus as claimed in claim 13, wherein the speed optimisation means includes one or more position sensors which monitor the position of the or each body support element.

15. (Currently Amended) Harvesting apparatus as claimed in ~~any one of the preceding claims~~ claim 1, further comprising one or more sensors through which the direction of movement of the harvesting apparatus can be automatically adjusted.

16. (Original) A method of manually hand-picking produce arranged in rows using harvesting apparatus as claimed in any one of the preceding claims, the method comprising the steps of:

- a) a picker positioning him, or her, -self on a body support element of the harvesting apparatus;
- b) driving the harvesting apparatus along the rows of the produce at a constant or substantially constant speed; and
- c) the picker manually hand-picking the produce as it approaches, and selectively moving the body support element over the extended range to optimise the position of the picker relative to the occurrence of the produce, so that an increase in the amount of produce picked and an increase in the speed of movement of the harvesting apparatus can be obtained.

17. (Currently Amended) A method as claimed in claim 16 ~~when dependent on claim 7 or claim 8~~, further comprising a step (d), prior to step (a), of adjusting the relative vertical and/or transverse position (s) of the body support element to suit the picker.

18. (Currently Amended) A method as claimed in claim 16, ~~when dependent on any one of claims 10 to 12, or claim 17~~, further comprising a step (e), subsequent to step (c), of placing the picked produce on the conveyor system.

19. (Original) A method as claimed in claim 18, further comprising a step (f), subsequent to step (e), of a packer at the collection area removing the picked produce from the conveyor system and packing the picked produce.

20. (Original) Harvesting apparatus for use when manually harvesting field-grown produce, the harvesting apparatus having a support structure, a plurality of driven rotatable members by which the



support structure can be moved, a plurality of body support elements supported by the support structure and on which pickers, as hereinbefore defined, can be supported to harvest the said produce, a collection area at which the harvested produce is deposited, and a conveyor system which transports the harvested produce from the picker to the collection area.

21. (Canceled).

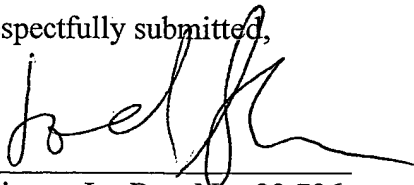
REMARKS

This Preliminary Amendment is made for the purpose of bringing the PCT or foreign based application closer to US practice standards and not necessarily to limit the claims.

**Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, s/he is invited to call at the number below.**

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

Respectfully submitted,



Joel D. Skinner, Jr., Reg. No. 33,786

Date: \_\_\_\_\_

4-8-05

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